

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	)	Case No. 16-22252-CMB
	)	
William Poliak and Tawnya Poliak	)	Chapter 13
Debtors	)	
	)	Document No. <u>68 &amp; 76</u>
William Poliak and Tawnya Poliak	)	
Movants,	)	
vs.	)	
	)	
Internal Revenue Service, Pennsylvania	)	
Department of Revenue, HSBC Bank USA,	)	
Ocwen Loan Servicing, LLC,	)	
Commonwealth of Pennsylvania Department)	)	
Of Labor and Industry,	)	
Capital One Bank, USA, and	)	
Ronda J. Winnecour, Chapter 13 Trustee	)	
Respondents.	)	

**ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY  
FREE AND DIVESTED OF LIENS**

**AND NOW**, this 20th day of December, 2018, upon consideration of the Debtors' Motion for Sale of Property Free and Divested of Liens to **Raymond T. Rocco**, or his assignee, after hearing held in Courtroom A, 54<sup>th</sup> Floor, US Steel Tower, Pittsburgh, PA 15219 the Court finds:

- (1) That service of the Notice of Hearing and order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors:

HSBC Bank, USA  
c/o Ocwen Loan Servicing, LLC  
PO Box 24605  
West Palm Beach  
FL 33416-4605

HSBC Bank, USA  
Thomas Song, Esquire  
Phelan Hallinan Diamond and Jones, LLP  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103

Commonwealth of PA – UCTS  
Amy Weikel, UC Tax Agent  
651 Boas Street, Room 702  
Harrisburg, PA 17121

Department of Labor and Industry  
651 Boas Street, Room 702  
Harrisburg, PA 17121

PA Department of Revenue  
Bankruptcy Division  
PO Box 280946  
Harrisburg, PA 17128-0946

Tamika Washington  
PA Dept. of Revenue  
4<sup>th</sup> and Walnut Street  
Harrisburg, PA 17128

Internal Revenue Service  
PO Box 7346  
Philadelphia PA 19101-7317

Internal Revenue Service  
Douglas A Smith, Revenue Officer  
1000 Libery Avenue M/S 711B  
Pittsburgh, PA 15222-3714

Capital One Bank, USA  
William T. Molczan, Esquire  
436 Seventh Avenue, Suite 2500  
Pittsburgh, PA 15219-1842

- (2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by Stipulation entered by the Debtors and Trustee.
- (3) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objection to the sale was made which would result in cancellation of said sale.
- (4) That the price of **\$107,000.00** offered by **Raymond T. Rocco** was a full and fair price for the property in question.
- (5) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re Abbots Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3<sup>rd</sup> Cir. 1986).

Now therefore, ***IT IS ORDERED, ADJUDGED AND DECREED*** that the sale by Special Warranty deed of the real property described as ***tax map parcel # 36-02-13-0-118 and commonly known as 302 Shadow Wood Court, Trafford, PA 15085***, is hereby ***CONFIRMED*** to ***Raymond T. Rocco***, or his assignee, free and divested of the above-recited liens and claims, and that the Movant is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

***IT IS FURTHER ORDERED***, that the above-recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, ***that the within decreed sale shall be free, clear and divested of said liens and claims;***

***FURTHER ORDERED***, that the following expenses/costs shall immediately be paid at the time of closing. ***Failure of the closing agent to timely make and forward the disbursements required by this Order*** will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of the Order.

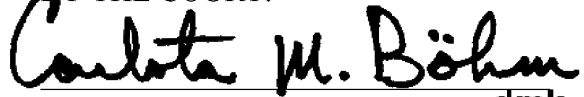
- (1) The following liens/claims:
  - a. Mortgage Claim of HSBC Bank USA (OCWEN Loan Servicing LLC);

- (2) Delinquent real estate taxes, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) Debtors' reasonable attorney fees in the amount of \$750.00 payable to Bononi & Company, P.C.
- (5) The "net proceeds" from the closing as identified on the Combined Closing Statement to be remitted to the Chapter 13 Trustee.

***FURTHER ORDERED*** that:

- (1) Closing shall occur within thirty (30) days of this Order and, within five (5) days following closing, the Movant shall file a report of sale;
- (2) This Sale Confirmation Order survives any dismissal or conversion of the within case; and,
- (3) Within five (5) days of the date of this Order, the Movant shall serve a copy of the within Order on each Respondent (i.e. each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the Motion or appeared at the hearing, the attorney for the Debtor, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.

BY THE COURT:

Handwritten signature of Carlota M. Böhm in black ink.

Carlota M. Böhm, Chief Judge  
United States Bankruptcy Court

dmk

FILED  
12/20/18 2:30 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

**Certificate of Notice Page 5 of 5**  
United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
William Poliak  
Tawnya Poliak  
Debtors

Case No. 16-22252-CMB  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dsaw  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Dec 20, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2018.  
db/jdb +William Poliak, Tawnya Poliak, 1039 Redoak Drive, Harrison City, PA 15636-1600

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 22, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 20, 2018 at the address(es) listed below:

Albert James Millar on behalf of Creditor Pa Dept of Revenue jmillar@pa.gov  
Corey J. Sacca on behalf of Joint Debtor Tawnya Poliak csacca@bononilaw.com,  
coreysacca@gmail.com;bankruptcy@bononilaw.com;bononiecmail@gmail.com;r39887@notify.bestcase.com  
Corey J. Sacca on behalf of Debtor William Poliak csacca@bononilaw.com,  
coreysacca@gmail.com;bankruptcy@bononilaw.com;bononiecmail@gmail.com;r39887@notify.bestcase.com  
James Warmbrodt on behalf of Creditor U.S. Bank National Association as Indenture Trustee  
for Springleaf Mortgage Loan Trust 2013-, Mortgage-Backed Notes, Series 2013-3  
bkgroup@kmlawgroup.com  
Jerome B. Blank on behalf of Creditor HSBC Bank USA, NA, As Trustee For ACE Securities  
Corp.etal pawb@fedphe.com  
Jodi L. Hause on behalf of Creditor HSBC Bank USA, National Association, As Trustee For et al  
jodi.hause@phelanhallinan.com, pawb@fedphe.com  
Joseph A. Dessoye on behalf of Creditor HSBC Bank USA, NA, As Trustee For ACE Securities  
Corp.etal pawb@fedphe.com  
Kevin M BATTERY on behalf of Creditor U.S. Bank National Association as Indenture Trustee for  
Springleaf Mortgage Loan Trust 2013-, Mortgage-Backed Notes, Series 2013-3 kbattery@rascrane.com  
Kevin M BATTERY on behalf of Creditor US Bank National Association kbattery@rascrane.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com  
Thomas Song on behalf of Creditor HSBC Bank USA, National Association, As Trustee For et al  
pawb@fedphe.com

TOTAL: 12